



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

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Lecture-25



Kinship, Caste and Class

Social Differentiation

Rules of Marriage

Types of Marriage

Grihyasutras, Dharmasutras and Smritis mention eight types of marriage. They were-

- **Brahma** – In this type of marriage, the father used to invite a man learned in the Vedas to marry his daughter decked with garments and jewels.
- **Daiva** – In this type of marriage, the person who organizes a sacrifice marries his daughter to the priest who had come to officiate at the sacrifice
- **Arsha** – In this type of marriage, the father marries his daughter after receiving a cow and bull or a pair of it by the bridegroom
- **Prajapatya** – In this form of marriage, the father after honouring the bridegroom gives his daughter and addresses both of them with the words- “may both of you perform your religious duties together”
- **Asura** – In this type of marriage, the bridegroom willingly gives as much wealth as he can afford to the bride and her kinsmen
- **Gandharva**– In this type of marriage, there is the union of a girl and the boy through mutual consent.
- **Rakshasa** – In this type of marriage, the bride is forcibly carried from her home by the bridegroom after her kinsmen are beaten and wounded.
- **Paishacha**– In this type of marriage, a man by stealth seduces a girl who is asleep, intoxicated or disordered in intellect

In the first four forms there is the gift of the girl (*kanyadana*) by the father or other guardian to the groom. This is in the sense of transfer of the father’s right of guardianship and control of the maiden to the husband. The mere listing of the Rakshasa and Paishacha forms of marriage do not mean that it was legalized but meant that there are eight ways in which wives could be secured. Among all the forms of marriage that of Brahma is the best and Paishacha is the worst. Gradually the last one came to be universally condemned and the seventh allowed only in the case of a Kshatriya. In general only the first four alone were approved for a Brahman though Manu and others condemned even the third for both this and the fifth types of marriage were looked upon as selling a daughter. The sixth was out of question when child marriage prevailed.

Marriage Rituals

There prevailed great divergence in the rites of marriages since ancient times. Some of the common rituals associated with a marriage of twice born were as follows.

- **Vadhuvara gunapariksha**– Examining the suitability of a girl or boy
- **Varapresana**– Sending persons to negotiate for the hand of the girl
- **Vaagdhana** or **Vaannishchaya**– Settling the marriage
- **Nanadi shraddha**– The honouring of pitrs (ancestors)
- **Mandapa Karana**– Erecting a pandal where the ceremonies are performed
- **Gauri Hara puja** – Worship of Shiva and Gauri by the bride
- **Tailaharidraaropana** – Applying of turmeric powder to the boy and girl's body
- **Snaapana, Paridhaapana** and **Samnahana**– Making the bride bathe, put on new clothes and girding her with a string or rope of darbha
- **Madhuparka**– Reception of the boy at the bride's house where honey and curds are partaken.
- **Pratisarabandha** –Tying an amulet string on the bride's hand
- **Parasparasamikshana** – Looking at each other at a proper time by the boy and girl when a piece of cloth held between them is removed
- **Kanyaadana** – The gift of the bride
- **Mangalashtra bandana** – Tying a string having golden and other beads by the boy around the bride's neck
- **Agnisthapana** and **Homa** – Offering oblations into fire by reciting mantras
- **Panigrahana** – Taking hold of the bride's hand
- **Laajahoma** – Offering of fried grain in the fire by the bride
- **Agniparinayana** – The boy going in front takes the bride round the fire and water jar
- **Saptapadi**– Taking seven steps together around the fire
- **Murdhaabhisheka** – Sprinkling holy water on the head of the boy and girl

Polygamy and Polyandry

Though monogamy seems to have been the ideal and probably the rule, the Vedic literature is full of reference to polygamy. Polygamy was a useful instrument for kings and nobles in strengthening their political power by contracting numerous but judicious matrimonial alliances. The rich probably regarded plurality of wives as a proof of their wealth, reputation and social position. Though it was the kings and nobles who practiced polygamy, the Sutras allowed a man to have a second wife if his first wife did not bore him a son. With regards to polyandry we do not come across a single passage in the Vedic literature which refers to that practice. The only exceptional case is that of Draupadi as the wife of the five Pandavas.

The custom of Niyoga

As the law givers have opined that a bride is given to the family and not to the groom only, a childless widow was allowed to have sexual relation with the brother of her husband to beget a son. This act was known as Niyoga. To die without a son was regarded as a great spiritual calamity and it was the sacred duty of a brother to see that a son was raised on his sister-in-law to perpetuate his brother's memory and to ensure him a seat in heaven. If this was not done, there was also the danger of the widow marrying a stranger and being lost to the family. A son by Niyoga was always preferred

to a son by adoption as the former had the blood of the mother, if not his father at least that of a near relative. Niyoga was also allowed if the husband was incapable of procreating children and the brother-in-law was regarded as the most eligible person for this duty. The custom of Niyoga was fairly common down to 300 B.C. and after that time it began to meet with considerable opposition, because society felt that such temporary unions were undesirable.

MCQ

1. In _____ family the husband goes to live in the house of his wife.

- (a) matrilineal
- (b) matriarchal
- (c) joint family
- (d) matripotestal

2. In _____ family, the wife goes and lives in the house of her husband.

- (a) patrilocal
- (b) patrilineal
- (c) bilateral
- (d) joint family

3. One's wife's brother is one's _____.

- (a) primary kin
- (b) tertiary kin
- (c) affinal secondary kin
- (d) secondary kin

4. The Sema Naga use _____ for mother, father's, brother's wife and mother's sister.

- (a) hepu
- (b) aja
- (c) ami
- (d) shi

5. If in a kinship system, maternal uncle enjoys a pre-eminent place in the life of his nephews and nieces as a matter of convention, the kinship usage is called_____.

(a) avunculate

(b) amitate

(c) couvade

(d) matriliney